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November 3, 2023

VIA E-FILING

Honorable Ronnie Abrams, U.S.D.J.
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **Philip Columbo v. Philips Bryant Park LLC, et al.**
Civil Action No. 1:22-cv-00775-RA

Dear Judge Abrams:

As the Court is aware, this office represents Plaintiff, Philip Columbo, in the above-referenced matter. I am in receipt of the Court's Order dated October 30, 2023, which in part affords Plaintiff the opportunity to submit additional support for its opposition to Defendants' collective Partial Motion to Dismiss and the oral argument that took place on October 30, 2023. I fully appreciate the Court's allowance for this opportunity and respectfully request that Plaintiff be afforded a limited amount of additional time for that submission from the current deadline of November 6, 2023 to November 10, 2023.

The Court's Order also requested that the parties confer regarding a possible referral of this matter to mediation and submit a joint letter to the Court by November 6, 2023. I have shared Plaintiff's position on that issue with counsel for Defendants, and as soon as I receive their response, I can draft that joint letter for submission to the Court.

Thank you for the Court's continuing consideration in this matter.

Respectfully submitted,

s / James P. Gianakis

James P. Gianakis

cc: Dianna D. McCarthy, Esq. (via e-filing)
Kenneth Abeyratne, Esq. (via e-filing)
Robert A. Wiesen, Esq. (via e-filing)
Arthur J. Robb, Esq. (via e-filing)

Application granted as to Plaintiff's request for additional time to file his letter. To be clear, to the extent that Plaintiff makes new arguments that he had not made previously, the Court does not intend to consider them. *See Wells Fargo Bank N.A. v. Wrights Mill Holdings, LLC*, 127 F. Supp. 3d 156, 164 n.5 (S.D.N.Y. 2015). Defendants may reply to Plaintiff's submission no later than November 17, 2023.

SO ORDERED.



Hon. Ronnie Abrams
November 3, 2023